

1906-058 Chancery Causes: Henry Jenkins & Bra] vs. Michael Robinett &c
Lee Co.

Jenkins, Duff

CA-Debt
T-Property

-Deed

Subject to the following credit viz:
(\$40) forty dollars paid Aug. 28. 1885 -
25.34, twenty five dollars & 34 cents Apr 29 1886.

To the Hon. H. S. K. Morrison Judge
of the Circuit Court of Lee Co
Your orators Henry Jenkins, and
Fred Jenkins, merchants trading
under the firm name and style
of Henry Jenkins and Bro, Humbly
Complaining would respectfully
represent that heretofore viz. in
May 1885, in the Circuit Court of
Washington County Virginia, they in
their firm name obtained a judge-
ment at law against one Jeff.
S. Duff for the sum of \$163.57
and legal interest thereon from Jan.
1st 1885 till paid and \$6.30 Costs &

A transcript of this judgement
was on June 30th 1885, entered upon
the judgement lien docket, in said
County, and also upon said lien
docket on the said last named
day in the County of Lee and
then properly indexed so that
as ~~complementors~~ ^{complementors} advised said
judgement from and after its
recitation became a lien upon
said ~~land~~ Duff's lands situated
in said County of Lee.

At the time said judgement
was so docketed in said County

Said Jeff L. Duff was the owner in fee of an undivided sixth part of a valuable tract of land situated on the head of Waller Creek in said County and known as the home place of the late Thomas D. Duff father of the said Jeff L. Duff. The rents and profits of which will not in five years pay and discharge the same.

Upon this land your orator is advised & charges said judgment is a lien.

By deed bearing date the 21st day of August-1886, said Jeff L. Duff and his Co-heirs sold and conveyed unto Michael Robinett, the said tract of land, and he the said Robinett owns and occupies the same.

Your orator is further advised and therefore charges that said judgment was at the time of said purchase and still is a lien upon said land in the hands of said Robinett. Copies of said Deed and Conveyance will be found filed herewith marked 1 & 2 and are prayed to be considered here-

with as part hereof.

The object of this bill therefore is to enforce said lien and have said land so owned and ceded to said Robinett by said Jeff L. Duff as well pay the same - Said judgement - nor no part thereof ever having been paid to your orator.

The premises considered your orator pray that Jeff L. Duff and Michael Robinett be made parties defendant, to this bill and answer the same, and on a hearing a decree be rendered enforcing said lien, and selling so much of said land as may be necessary to pay the same, and for all other further and general relief may supra issue &c. &c.

Charles R. Vance Attorney
for Plaintiff

~~C- 9.54
 S 1.00
 LA 15.00
 C.C. 1.35
 Est 10.00
 36.69~~

A C 15.86 to Jan/93
 S 1.00
 LA 15.00
 C.C. 1.35

1889
 Henry Jenkins

1888
 Bill Chay

Michael Robinson
 et al

1887 July Bill filed
 3rd Best Oct 1887
 11 Aug. 1887. W. H. H. 2nd
 11 1887. 3rd. 1887. 1887.
 11 1887. 1887. 1887.
 1888 1888. 1888. 1888.
 11 1888. 1888. 1888.
 1889 Countd this year
 1890 " "
 1891 " "
 1892 " "
 1893 " "

To the Hon H. S. E. Morrison, Judge of the
Circuit Court of Lee County Virginia.

The separate answer of Jeff. L. Duff to a
bill exhibited against him and others in
this Honorable Court, by,

This respondent owing the benefit of all
such exceptions as can or may be made to the
Complainants bill on its final hearing for
answer thereto or to so much thereof as he
is advised it is material or necessary for
him to answering says. That it is true that
the Plaintiffs obtained against him the
Judgment described by them in their bill
he supposes they had it docketed as stated
by them. It is also true, and so one regrets
it more than respondent, that said Judg-
ment still remains unpaid. But respond-
ent denies that said Judgment is a lien
on the land in the bill mentioned. Respond-
ent a short time after the death of his father
sold his interest in his fathers land except
that part of it covered by his mothers
down, to his brother George W. Duff, and
sent him in possession. Thereof and the
said George had paid him every cent of
the purchase price which he agreed to
pay for said land at least one year
before the rendition of the Plaintiffs
Judgment.

After respondent made said sale to the
said George the heirs of ~~James~~ ^{Jeff} L. Duff
respondents further partitioned said
land among themselves in which the share
due to your respondent as one of said heirs
was laid off to the said George, and he after-
wards sold the same to Michael Robinson
but deeds of partition not having been made
between said heirs and the legal title
to the whole tract of land remaining in said
heirs they all joined in the conveyance to
the said Robinson. That is the way in
which your respondent's name comes to
be to said deed as one of the grantors
but as before stated he then had no interest
in it and had not had for more than
a year before the rendition of said
judgment, and now having fully an-
swered he prays to be hence dismissed

C. L. Duncan,
att. for Duff.

Jeff. L. Duff, by
counsel

Virginia

Lee County to wit:—

Jeff L. Duff this day personally
appeared before me and made
oath in due form that the state-
ments made in the foregoing ass.

So far as made on his own know-
ledge are true, and so far as made
on information derived from
others he believes them to be true,
Given under my hand this 30th
Aug. 1887. J. B. Hyatt ©

Jeff. L. Duff ~~the~~
ads $\frac{3}{3}$ Aug.

Wm. H. Jackson 13,

Filed in open court
by leave thereof
Aug. 30th 1887.

J. A. Hyatt cc

To the Honorable H. S. H. Morrison,
Judge of the Circuit Court of Lee County &c
The separate answer of Michael
Robinson to a bill exhibited against him
and Jeff L. Duff, in this honorable Court
by Henry Jenkins and Brother.

This respondent saying the benefit
of all such exceptions as can or may be
had to said bill on its final hearing, for
answer thereto, or to so much thereof as
he is advised it is material or necessary
for him to answer, answering say. That
it is true that he is the purchaser of a
part of the land owned by Thomas & Duff
in his life time, and which at his death
descended to his heirs of whom his co-
defendant, Jeff L. Duff, is one, and res-
pondent supposes he is the purchaser of
the said Jeff L's interest in said lands
or at least in that part thereof outside of
and unaffected by the dower of the said
Thomas & Duff, ^{whereof} because your respon-
dent has been informed that the heirs
of the said Thos & Duff had partitioned
this land among themselves, and that
the land described in the deed filed by
the said complainants with their bill
is the land laid off and assigned
to the said Jeff L. Duff and his brother

George in said partition.

Your respondent will now show your Honor that he purchased said lands from the said George Duff, one of the grantors in said deed, that the said George was at the time of said purchase in the possession of said land using occupying cultivating and enjoying it claiming it as his own, and that he had been so using it and so claiming it for two years or more before the said purchase was made. Your respondent has been informed, he believes, and he here asserts, that the said Jeff. L. Duff some time in the year 1882. or 1883, sold his interest in said tract of land to his brother the said George Duff, that he put said George in the possession of it at the date he sold to him, and that the said George had fully paid him for said land before the date of said judgment, or discharging thereof, certainly the said George had, had said land in his possession using occupying and claiming it as his own for more than two years before the rendition of said judgment. This being the case your respondent is advised

That said judgment is not a lien against said land in his possession he is an innocent purchaser for value without any notice of said lien because as above stated he made said purchase from the said George Duff by Deed. That said land belonged to him individually and not to him and the said Jeff. L. he therefore did not look after liens against the said Jeff. L.

And now having answered said bill as fully as he deems it material to answer the same pray the house do dismiss with his costs &c.

Michael Robinett.

per.

C. T. Duman Esq.

Virginia:

Lee County to wit: -

This day Michael Robinett personally appeared before me and made oath in due form that the statements made in the foregoing answer are true so far as they depend on his own knowledge, and that so far as they depend on information derived from others he believes them to be true. Given under my hand this July 5th 1887. J. A. S. Hyatt & Co.

Michael Robinson
and ³/₄ Bros.

Jenkins & Co

Filed July Rules
1887.

J. A. Hyatt

Harry Jenkins & Bro

vs

Michael Robinson

This cause is dismissed
without prejudice, with leave to restate
an motion after due notice.

Henry Jenkins & Bro
75 - 1/2 Decme
Michael Robinson

Enter this decme
H W Shaw
Sept 18th 1906

Entered in C.A.B.
#8, page 200

Henry Jenkins & Bros
Against
Jeff L. Duff

This Cause
Came on again this day
to be heard upon the papers
formerly read and the report
of J. M. Morgan filed July
15-1888, to which there are
no exceptions and was
argued by Counsel - On Con-
sideration of which and
for reasons appearing to the
Court - said Sale & report -
are made final - And the
said Purchaser A. B. Prich-
more agreeing to the same
in open Court - Louisa Duff
the mother of Jeff L. Duff
is to assume her bid and
take said land, and the
said being willing to ac-
cept her bond for the same
Clerk John M. Morgan will
make & execute to her a deed
with Covenants of General
warranty for said land at
some future day of this
term & report the same - the
Cause is continued till said report

Henry Lukens

Deere

Jeff L. Saff

Sept 7 1888

Entered in C. C. B

for

J. A. B. Hyatt.

C. C. C.

Enter this

Sept 6 1888

W. S. C. M.

Henry Jenkins & Bros - - - Plff }
v } In ch
Michael Robinson et al Deft }

This
Cause came on this day to be
heard upon the bill of the plffs
and answer of defendant, Michael
Robinson & Jeff L. Duff and repli-
cation thereto and was argued by
Counsel - On consideration whereof
and for reasons appearing to the
Court, it is adjudged ordered &
decreed that the plffs judgement
is a lien on the reversionary in-
terest of Jeff L. Duff in the land
descended to him, now covered by
the decree of Louisa Duff widow
of Thomas D. Duff - and that the
same is liable to the payment
thereof - On consideration whereof
and for reasons appearing to the
Court it is adjudged ordered and
decreed that the plffs recover from
defendant Jeff L. Duff the
sum of ~~\$165.59~~ ^{\$165.30} \$169.89 and legal
interest on \$163.30 part thereof
from Jan. 1st 1885 till paid and the
costs of this suit - And unless
said Duff or some one for

shall pay the same to the plaintiff
within 20 days from the rising of
this Court then ~~John M.~~ Morgan
who is hereby appointed a
Special Commissioner for the pur-
pose will sell on a Credit of
six twelve & eighteen months
the reversion of Jeff L. Duff
in the Clewer Land of his mother
Louisa Duff, or so much
thereof as may be necessary
to pay the sums herein decreed
and the Costs of this suit - He
will require the Costs of suit &
sale paid in hand and for the
residue take bond payable to
himself as surety bearing interest
from day of sale with approved
personal security - But before
proceeding to execute this decree
said Commissioner will execute
bond in a penalty of \$250
conditioned to duly perform the
duties hereunder - He will then
advertize the same for at least
30 days on the front door of
the Court House and in one or
two public places in the

neighborhood where the land
lies setting out time terms & place
of sale, which will be on
some Court-day at the front
door of the Court-house by pub-
lic outcry to the highest bidder.
He will report his action to this
Court - at some future term & the
all other questions are reserved and the
Cause is Continued.

Henry Jenkins Br

23 Dec 1887

Michael Robnett

Dec 7 1887

Entered page 98

C. O. M. S.

J. O. Lyatt & Co.

Enter this

Dec 8 1887

14.2 Km

Henry Jenkins et al
vs
Jeff L. Duff et al

To the Hon H. S. M. Morrison Judge of the Circuit
Court of Lu Co ^{Ind} At a former Term
of this Court I was appointed a Special Commis-
sioner to sell the undivided Interest of
J. L. Duff in the Dower of ~~Monica~~ Duff
widow of John Duff decd.

On the first day of the June Term 1888 I
proceeded to sell said Reversionary Interest
according to the terms of a former decree in the case
and present, was A. L. Bridgman who
was the highest and best bidder at
the said sale, that highest and
best bid was forty five Dollars.
Every effort was made at the time of
sale to raise said bid, but owing, I
suppose to the life Estate of Mrs Duff
not a dollar more could be had, and said
lands ^{was} knocked off to said Bridgman.

The amount for which said
lands was sold, but little more
than pays the costs in said
suit, and the purchaser having
assumed the payment of these
and paid the small residue or
balance on said judgment, it is
not necessary to take any notes or
bonds as was decreed to be done.

Therefore no bonds appear in this Report.

Respectfully Jno M. Morgan
Commissioner

Henry Jenkins & Son
or 3 Com's Report
Sept 2nd 88
J. L. Buff & others

Filed July 15th
1888.
J. L. Hyatt

Know all men by these
presents, That we John M. Morgan
and _____ are held and
firmly bound unto the Commonwealth
of Virginia in sum of Two Hundred
& fifty (\$250.) Dollars, and for the
prompt payment thereof well and
truly to be made unto the said
Commonwealth, we each bind
ourselves heirs &c, and me as to
this bond hereby waive our
Homestead and other exemptions
witness our hands and seals, this
8th day of May 1888.

The Condition of the above
obligation is such, that whereas
the above bound John M. Morgan
was, by a decree entered on the
8th Decr 1887, in the Chancery Cause
of Henry Jenkins & Bros vs Michael
Robnett et al. ^{appointed a Court} directed to sell the
interest of the Deft Jeff. L. Duff in certain
dower lands mentioned in the Bill and
proceedings. Now therefore should
the said Morgan promptly perform
the duties assigned him and
justly account for all sums
of money he may receive as

such Commissioner then this
obligation to be void otherwise
to remain in full force.

Seal
Seal

Henry Jenkins, Esq.
Clerk,
U.S. District
Court,
Boston

Michael Robertson

Filed May 8th 1888.

J. A. G. Justice

This deed made this 12th day of August in the year
Eighteen hundred and Eighty Six, between C. B. Duff.
George W. Duff, Victoria Duff, his wife Jeff L. Duff,
Joseph C. Fugate Nancy J. his wife and John
W. Morrison and Martha L. his wife Isaac H.
Steel and Margaret D. his wife parties of the
first part and Michael Robinett party of
the second part Witnesseth that in consideration
of thirty eight hundred dollars to them in
hand paid, the said C. B. Duff and others,
parties of the first part do grant, unto Michael
Robinett party of the second part with all the
appurtenances of two certain tracts or parcels
of land and bounded as follows to wit:

Beginning at a white oak & dogwood a corner
of Wm P. Duffs land and with lines of same
South 32° W to a birch and chestnut on the
top of Powells mountain thence westwardly
with the top of said mountain as it meanders
60 poles to a Sourwood and two chestnut
oaks thence N 32° W. west to a stake in the
road thence with the road to a stake at
the mouth of a lane leading W. P. Duffs
house thence with said lane to stake in
a line between Thomas D. Duffs dec, and
Wm P. Duffs land, thence N 7½ E. 35½ P. to the
~~the same may be seen on the other side of the road~~
beginning at two white oaks, and two dog-
woods S 34 E 50 poles to a stake in the road

thence with the road to a stake in a line
of the lands of Thomas D. Duff dead, thence
with his lines N 23 W 49 Poles to two white
oaks corner to said Duffs lands thence
S 48 W 33 Poles to the begining supposed to
be ten acres be the same more or less,
and the parties of the first part covenant
with the party of the second part that
they have the right right to convey the
said land to the said grantee, that the
grantee shall have quiet possession
of said land, free from any incumbrances
Witness the following signatures and seals

George W. Duff Seal C. C. Duff Seal

Victoria Duff Seal J. C. Fugate Seal

Jeff L. Duff Seal A. J. Fugate Seal

I. F. Steele Seal

W. P. Steele Seal

J. W. Morrison Seal

Martha L. Morrison Seal

State of Virginia,
County of Lee } to wit.

I, C. C. Duff a Justice of the peace
for the State and County aforesaid do certify
that C. C. Duff, G. W. Duff, Jos. C. Fugate
Isaac F. Steele, J. W. Morrison whose names
is signed to the writing above bearing date
on the 21st day of August 1886 have

acknowledged the same before me in
my County aforesaid, Given under my
hand this 21st day of August 1886.

G. B. Duff. J.P.

State of Virginia
County of Lee } Just:

We G. B. Duff and F. B. Cox Justices
of the Peace for the State and County aforesaid, do certify that Victoria Duff, Nancy J. Fugate, Martha L. Morison & Margaret D. Steele whose names are signed to the writings above bearing date on the 21st day of August 1886, personally appeared before us in our County aforesaid, and being examined by us privily and apart from their husbands and having the writing aforesaid fully explained to them they the said Victoria L. Duff, Nancy J. Fugate, Martha L. Morison and Margaret D. Steele acknowledged the said writing to be their act, and declared that they had willingly executed the same and does not wish to retract it. Given under our hands this 21st day of August 1886.

G. B. Duff J.P.

F. B. Cox J.P.

Virginia, Lee County to wit:

I, John R. Gibson Clerk of Lee County Court
in the State aforesaid do certify that Jeff L.
Duff whose name is signed to the foregoing
deed bearing date August 21st 1886, has ac-
knowledgeed the same before me in the
County aforesaid and said deed is
admitted to record on the foregoing certifi-
cate given under my hands this August 24th
1886.

Teste John R. Gibson Clerk.

Acopy

Teste John R. Gibson Clerk.

Michael Robinson

From } Copy of Deed

C. B. Duff, Clerk.

Deeds Book No. 210. 512.

See for this copy 604

This Deed made this 21st day of August
in the year Eighteen Hundred and
eighty six. between C. C. Duff, George W.
Duff, Victoria Duff his wife, Jeff L. Duff,
Joseph C. Fugate, Nancy J. his wife and
John H. Morrison and Marthy L. his wife,
Isaac F. Steal and Margret D. his wife,
parties of the first part, and Michael
Robinet, party of the second part.
Witnesseth, That in consideration of
Thirty eight hundred dollars, to them
in hand paid the said C. C. Duff and
others, parties of the first part, do grant
unto Michael Robinette party of the
second part with all the appurtenances
of two certain tracts or parcels of
land and bounded as follows to wit:
Beginning at a white oak & dogwood
a corner of Wm. F. Duff's land and with
lines of same South 22° W. to a birch and
chestnut on the top of Powells Mountain
thence westwardly with the top of said
mountain as it meanders so poles to a
sourwood and two chestnuts & oak thence
N 32° W. west to a stake in the road
thence with the road to a stake at the
mouth of a lane leading Wm. F. Duff's house
thence with said lane to stake in a line
between Thomas H. Duff's Deed. and Wm. F.

Duff's land thence N 67 1/2 E 35 1/2 P. to the beginning, supposed to contain one hundred and twenty acres, the other tract Beginning at two white oaks, and two dog-woods S 34 E 63 poles to a stake in the road thence with the road to a stake in a line of the land of Thomas Duff. See thence with his line N 83 W 49 poles to two white oaks corner to said Duff's land thence S 48 W 33 poles to the beginning supposed to be ten acres be the same more or less, And the parties of the first part covenant with the party of the second part that they have the right right to convey the said land to the said grantee; that the grantee shall have quiet possession of said land, free from any incumbrances. Witness the following signatures and seals:

B. C. Duff Seal
George W. Duff Seal J. C. Fingate Seal
Victoria Duff Seal N. J. Fingate Seal
Jeff L. Duff Seal J. F. Steel Seal
M. D. Steel Seal
J. W. Morrison Seal
Martha L. Morrison Seal

State of Virginia

County of Lee Stowit

I, B. C. Duff a Justice of the peace

for the State and County aforesaid
to certify that G. C. Duff, G. W. Duff, Jos
C. Fingate, Isaac Steele J. W. Morison
whose names is signed to the writing
above, bearing date on the 21st day of
August 1886, have acknowledged
the same before me in my County
aforesaid, given under my hand
this 21st day of August 1886,
G. C. Duff J. P.

State of Virginia,

County of Lee 3 to wit:

We G. C. Duff, and T. B. Cox Justices of
of the peace for the State and County
aforesaid, do certify that Victoria Duff,
Nancy J. Fingate, Martha L. Morison &
Margaret P. Steele, whose names are
signed to the writing above bearing
date on the 21st day of August 1886,
personally appeared before us in our
County aforesaid, and being examined
by us privily and apart from their
husbands, and having the writing
aforesaid fully explained to them they
the said Victoria L. Duff, Nancy J. Fingate,
Martha L. Morison and Margaret Steele
acknowledged the said writing
to be their act and declared that they

had willingly executed the same
and does not wish to retract it,
Given under our hands this 21st
day of August 1886.

G. L. Duff J. P.
T. B. Cox J. P.

Virginia Lee County to wit:

I, John R. Gibson Clerk of Lee County
Court in the state aforesaid do certify
that Jeff. L. Duff, whose is signed
to the foregoing Deed bearing date
August 21st 1886, has acknowledged
the same before me in the county
aforesaid, and said deed is admitted
to record on the foregoing certificate,
Given under my hand this August
24th 1886.

Attest of Record

Teste John R. Gibson clerk

Michael Robertson
From Copy of Deed
George W. Duff et al
Deed Book 22 P 512

copy 75 of

1885 May Washington Co. June 30" Henry S. Jenkins & Fred. J. Jenkins Plff.
Term Circuit Court. 1885. vs. } a Debt.

Jeff L. Duff.

Deft.

Judgment for \$163.59 with legal interest thereon
from the 1st day of January 1885 till & the costs
\$6.05 Co. b. 25

Attest Teste John R. Gibson clerk.

H. S. Jenkins et al
vs } Copy of Judgment.

Jeff L. Duff.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greetings

WE COMMAND YOU to summon

Michael Robinett
and Jeff. L. Duff

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *July* next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against *them*, by *Henry*

Jenkins and Fred Jenkins Merchants Trading
under the firm name and style of
"Henry Jenkins & Bro."

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *30th* day of *May* 188*7* in
the 1*1* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

20
Henry Jenkins & Co
vs ^{James} Spain Chgo

Jeff. L. Duff &
Michael Robinson

To July Rules 1887

Executed by delin
my office Chgo
of this & per to
Jeff. L. Duff and
Michael Robinson
June 29-30-1887

R. D. Flannery
S. L. L.